REMARKS / DISCUSSION OF ISSUES

The present amendment is submitted in response to the Office Action mailed April 13, 2011. In view of the remarks to follow and amendments above, reconsideration and allowance of this application are respectfully requested.

Status of Claims

Upon entry of the present amendment, claims 1-11 will remain pending in this application. Claims 1and 9 have been amended. Applicants respectfully submit that no new matter is added by the present amendments.

Interview Summary

Applicants appreciate the courtesy granted to Applicant's attorney, Michael A. Scaturro (Reg. No. 51,356), during a telephonic interview conducted on Monday, June 6, 2011. During the telephonic interview, Applicant's attorney provided reasons why *Jessop* does not teach certain elements of claim 1, as alleged in the instant Office Action. The Examiner stated that the present claim language is overly broad and may read on *Jessop*. Applicant's attorney agreed to consider possibly amending claim 1 to more clearly and precisely distinguish over *Jessop* by reciting that the individually controllable electrodes voltage potentials on said side wall electrodes produce a desired contact angle with the side walls to derive a spherical lens at the interface thereby controlling the convexity and/or tilt of the meniscus in contrast to the ill-defined and unpredictable shape of the droplet of *Jessop*.

Claim Rejections under 35 USC/ 103

In the Office Action, Claims 1-11 stand rejected under 35 U.S.C. §103 (a) as being unpatentable over U.S. Patent No. 5,936,774 ("*Street*") in view of U.S. Patent No. 5,936,774 ("*Wohlstadter*") and further in view of U.S. Patent No. 6,924,792 ("*Jessop*"). Applicants respectfully traverse the rejections.

Claims 1-11 are Allowable

The cited portions of *Street*, *Wohlstadter* and *Jessop*, taken individually and in any reasonable combination, fail to disclose or suggest the specific combination of claim 1. For example, the cited portions of *Street*, *Wohlstadter* and *Jessop* fail to disclose or suggest,

> *comprising means for varying the radius of curvature and/or tilt of the interface between the first and second fluids, the first and second fluids serving to refract incident light such that the lens cell functions as a positive lens having a spherical shape via controllable contact angles with the side walls of the lens cell by varying said first and second individually controllable electrodes voltage potentials on said side wall electrodes*

In the Office Action, *Jessop* is cited for curing a deficiency in *Street* and *Wohlstadter*. In particular, the Office cites *Jessop* for allegedly curing the deficiency in *Street* and *Wohlstadter*. More particularly, it is suggested that *Jessop* discloses an electrowetting and electrostatic screen display system, wherein the shape of a droplet, which is located on a hydrophobic polymer surface incorporating different wettability levels, is modified (and thus its optical properties are changed) by the application of electrical potential to one or more adjacent electrodes electrically insulated from the droplet. The Office refers the Applicants to *Jessop* at col. 2, lines 24-30 and Figs. 9(a) – 9(c).

Jessop pins a fluid drop on a plate by having an abrupt change in hydrophobicity. The drop can only change shape**, not curvature or tilt**. Moreover, the shape of the drop is ill-defined and most certainly **does not function as a positive lens having a controllable contact angle with the side walls of the lens,** as recited in claim 1. As a result of the shape of the droplet being ill defined, **the direction and shape of the beam is difficult to predict**.

Jessop generally teaches dynamic control of a droplet shape to change its optical performance. The shape of a liquid droplet can be electronically induced to **change its shape**, and thereby to defract (or reflect) light onto differently-coloured visual indicia or filters proximate to it, according to the electrical potential delivered to one or more electrodes located at appropriate positions proximate to said droplet. FIGS. 9(a)-(c) of Jessop show rather crudely how this may be achieved. In FIGS. 9(a)-(c) a droplet of a suitable liquid (as

described herein) is positioned on an electrical insulator, which will in most design approaches be a hydrophobic polymer. Surrounding the droplet are surfaces which are less wettable than the areas surrounding them when the adjacent electrode is charged, or are, due to any other suitable design feature relatively repellent to droplets moving onto them than are the other adjacent surface areas.

In contrast to *Jessop*, Applicant's **drop edges are strictly controlled** to allow them to move up and down thereby allowing changes in the tilt and/or curvature of the positive lens while maintaining the spherical shape. The shape of the lens thus remains predictable and with that the shape and direction of the beam.

In view of at least the foregoing, Applicants submit that claim 1 is patentable over the combination of *Street* , *Wohlstatder* and *Jessop*. Claims 2-8 and 10-11 depend from independent Claim 1 and therefore contain the limitations of Claim 1 and believed to be in condition for allowance for at least the same reasons given for Claim 1 above. Accordingly, withdrawal of the rejection under 35 U.S.C. §103(a) and allowance of Claims 2-8 and 10-11 is respectfully requested.

Independent Claim 9 recites similar subject matter as Claim 1 and therefore contains the limitations of Claim 1. Hence, for at least the same reasons given for Claim 1, Claim 9 is believed to contain patentable subject matter.

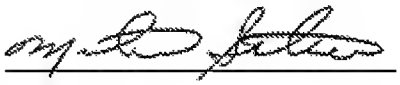
In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Conclusion

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 1-11 are believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Mike Scaturro, Esq., Intellectual Property Counsel, Philips Electronics North America, at 516-414-2007.

Respectfully submitted,



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